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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,486	09/10/2003	Patrick Stevens	PD-202135	3464
29158	7590	09/05/2007		
BELL, BOYD & LLOYD LLP			EXAMINER	
P.O. BOX 1135			SALL, EL HADJI MALICK	
CHICAGO, IL 60690				
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			2157	
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			09/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/659,486

Applicant(s)

STEVENS ET AL.

Examiner

El Hadji M. Sall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

1. This action is responsive to the amendment filed on June 21, 2007. Claims 1-36 represent method and system for providing enhancement performance of web browsing.

2.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9 and 25 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicant discloses "a computer-readable medium bearing instructions". According to the specification, Applicant discloses the term "computer-readable medium" as used herein refers to any medium that participates in providing instructions to the processor 703 for execution. Such a medium may take many forms, including but not limited to non-volatile media, volatile media, and transmission media... Transmission media can also take the form of acoustic, optical, or

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**electromagnetic waves, such as those generated during radio frequency (RF) and infrared (IR) data communications**" on paragraph [0150]. For the claimed invention to be statutory, "transmission media" cannot be "**electromagnetic waves**". Appropriate correction is required.

**3. Claim Rejections - 35 USC § 102**

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-7, 10-16, 18, 20-24, and 27-36 are rejected under 35 U.S.C. 102(e) as being unpatentable over Dutta U.S. 7,000,189.

Dutta teaches the invention as claimed including dynamic data generation suitable for talking browser (see abstract).

As to claims 1, 10, 19, 26, 32 and 36, Dutta teaches a method, a network apparatus, a method, a system and a network device for retrieving content over a communication network from a web server, the method comprising:

receiving a request from a browser application for the content in the web server (column 6, lines 1-4; column 9, line 21);

modifying the request to include information specifying support of a parse and pre-fetch service as to permit handling of the modified request by the web server in absence of an upstream proxy that is communicating with the web server (column 5, line 65 to column 6, line 1);

forwarding the modified request towards the web server, wherein the upstream proxy, if present, intercepts the modified request and pre-fetches the content from the web server (column 9, line 22); and

selectively receiving the content from the upstream proxy over the communication network and forwarding the content to the browser application (column 9, lines 22-25).

As to claims 2, 11, 20, 27 and 33, Dutta teaches a method, a network apparatus

and a system according to claims 1, 10, 19, 26 and 32, wherein the upstream proxy in the modifying step retrieves an initial content from the web server, and parses the retrieved initial content, the pre-fetched content being based on the parsed initial content (column 8, lines 20-25).

As to claims 3, 12, 21 and 28, Dutta teaches a method, a network apparatus and a system according to claims 1, 10, 19 and 26 wherein the request in the modifying step conforms with a Hypertext Transfer Protocol (HTTP), the method further comprising: inserting the treatment information in an optional field of the HTTP (column 5, lines 44-48).

As to claims 4, 13, 22 and 29, Dutta teaches a method, a network apparatus and a system according to claims 1, 10, 19 and 26, wherein the step of modifying the request is transparent to the browser application (column 4, line 66 to column 5, line 4).

As to claim 5, Dutta teaches a method according to claim 1, further comprising: receiving another request from another browser application (column 6, lines 1-4; column 9, line 21); and

forwarding another modified request based on the other request to another upstream proxy, wherein said receiving and forwarding steps are concurrently executed with the steps of receiving the request and modifying the request (column 9, lines 22-25).

As to claims 6, 15 and 35, Dutta teaches a method, a network apparatus and a system according to claims 1, 10 and 32, further comprising:

communicating with a switching module to receive the request, wherein the switching module including Open Systems Interconnection (OSI) Layer 4 functionality to redirect the request from a network interface (column 5, lines 31-35).

As to claims 7, 16, 23 and 30, Dutta teaches a method and a network apparatus according to claims 1, 10, 19 and 26, wherein the content conforms with a markup language that includes Hypertext Markup Language (HTML) (column 4, lines 43-47).

As to claim 14, Dutta teaches a network apparatus according to claim 10, wherein the proxy concurrently communicates with a plurality of upstream proxies including the remote upstream proxy (column 2, lines 57-63).

As to claim 18, Dutta teaches a network apparatus according to claim 10, further comprising:

a local upstream proxy configured to support pre-fetching of content from another web server local to the network apparatus (column 3, lines 17-22).

As to claim 34, Dutta teaches a system according to claim 32, further comprising: a plurality of upstream proxies in simultaneous communication with the downstream proxy of the first server for supporting parsing and pre-fetching of content from a

respective plurality of web servers (column 2, lines 57-63).

Claims 9 and 25 do not teach or define any new limitations above claims 1-7, 10-16, 18, 20-24, and 27-36 and therefore are rejected for similar reasons.

**5. *Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 17, 24 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta U.S. 7,000,189 in view of Chatterjee et al. U.S. 6,947,440.

Dutta teaches the invention substantially as claimed including dynamic data generation suitable for talking browser (see abstract).



As to claims 8, 17, 24 and 31, Dutta teaches a method according to claims 1, 10, 19 and 26.

Dutta fails to teach explicitly the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in a VSAT in communication with the web server.

However, Chatterjee teaches system and method for Internet page acceleration including multicast transmission. Chatterjee teaches the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in a VSAT in communication with the web server (column 14, lines 1-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dutta in view of Chatterjee to provide the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in an VSAT in communication with the web server, One would be motivated to do so to allow handling the wireless link 181 with a T1 data rate.

## **7. *Response to Arguments***

Applicant's arguments filed 06/21/07 have been fully considered but they are not persuasive.

(A) Applicants stress that, to the extent the Examiner reads the claimed "medium" as being an electromagnetic wave, neither claim 9 nor claim 25 is directed to an "electromagnetic wave," per se.

In regards to the point (A), Examiner respectfully disagrees.

In paragraph [147], Applicants discloses that transmission media can also take the form of "electromagnetic waves". Applicant is advised to make appropriate corrections in the specification to put claims 9 and 25 in a statutory form. Hence the rejection under 35 U.S.C. 101 is hereby sustained.

(B) Applicants strongly dispute that Dutta et al. discloses anything relative to the modification of a browser request to include "information specifying support of a parse and pre-fetch service...", and there is nothing disclosed in Dutta et al. about pre-fetching any information.

In regards to the point (B), Examiner respectfully disagrees.

Column 5, line 65 to column 6, line 4, Dutta discloses Upon detecting a request from a talking browser, the web server may then modify the content of the response to exclude content not suitable for presentation to a talking browser (i.e. "modifying the browser request"). Web servers 104 may determine whether the client originating a particular request is a talking browser by retrieving user agent information from the user agent field of the received request (i.e. "pre-fetching the content from the web server" or "to bring data into a memory before it is actually processed" (see

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www.answers.com) or retrieving user agent information from the user agent field of the received request).

(C) Applicant argues that no prima facie case of obviousness with regard to claims 8, 17, 24 and 31 has been established in accordance with 35 U.S.C. 103.

In regards to the point (C), Examiner respectfully disagrees.

In response to applicant's argument that no prima facie case of obviousness with regard to claims 8, 17, 24 and 31 has been established in accordance with 35 U.S.C. 103, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Dutta in view of Chatterjee to provide the communication network includes a Very Small Aperture Terminal (VSAT) satellite network, and the upstream proxy in the modifying step resides in an VSAT in communication with the web server, One would be motivated to do so to allow handling the wireless link 181 with a T1 data rate.

**8.**

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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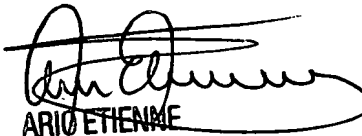
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
Art Unit: 2157

  
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